TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/016,850
Filing Date	December 14, 2001
First Named Inventor	Hughes
Group Art Unit	1618
Examiner Name	FAY, Z.
Total Number of Pages in This Submission: 7	Attorney Docket Number: D-3004

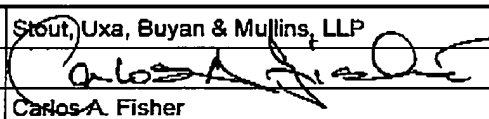
ENCLOSURES (*check all that apply*)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) ____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☒ Appeal Communication to TC *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below)*

Reply to Notice of Non-Compliant Appeal Brief (6 pages)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Stout, Uxa, Buyan & Mullins, LLP		
Signature			
Printed Name	Carlos A. Fisher		
Date	July 8, 2008	Reg. No.	36,510

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Signature			
Typed or printed name	Shawnna Waddell	Date	July 8, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/016,850	Confirmation No. 7435
Applicant	: HUGHES et al.	
Filed	: December 14, 2001	
Title	: PHARMACEUTICAL CONJUGATES WITH ENHANCED PHARMACOKINETIC CHARACTERISTICS	
TC/A.U.	: 1600/1618	
Examiner	: FAY, Z.	
Docket No.	: D-3004	
Customer No.	: 33197	

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REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Dear Sir,

Applicants have carefully studied the Notice of Non-Compliant Appeal Brief mailed June 20, 2008. The Notice indicates that under Section V, Summary of the Claimed Subject Matter, Applicants failed to provide a concise reference to where support for independent claims 1 and 16 exists in the specification by page and line number.

In fact, Applicants indicated that each of claims 1 and 16 was supported by the specification at pages 2-4, which citation includes all lines of the indicated pages. Applicants therefore disagree that the Appeal Brief filed June 9, 2008 was, in fact, non-compliant. However, in

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Date: July 8, 2008 Signature: Shawnna Waddell
Name: Shawnna Waddell

order to save the time that would be required to petition this issue, and in accordance with Manual of Patent Examining Procedure §1205.03(B) Applicants submit with this communication an Amended Summary of Claimed Subject Matter, in which claims 1 and 16 are indicated as being supported by the specification at page 2, line 33 to page 5, line 4.

Accordingly, Applicants believe this issue has been addressed and ask that the Appeal Brief be passed to Board of Patent Appeals and Interferences for decision.

This communication is being filed within the one month perior for response to the June 20, 2008 Notice set forth therein; thus no fee is thought due in connect with this communication. However, if any other fee is due, or to credit any overpayment, Applicants hereby authorize the Commissioner to use Deposit Account 50-4004.

Respectfully submitted,

Carlos A. Fisher
Reg. No. 36,510
Attorney for Applicants

Stout, Uxa, Buyan & Mullins LLP
4 Venture
Suite 300
Irvine, California 92618
(949)-450-1750

AMENDED SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is drawn to a topical ophthalmic composition comprising a carrier and a pharmaceutical conjugate, wherein the carrier comprises an ophthalmically useful therapeutic component (TC) covalently coupled in a specific manner to an efficacy enhancing component (EEC) effective in delivering the conjugate to a posterior portion of an eye of an individual when the composition is topically administered to the eye. The efficacy-enhancing component comprises a specifically recited generic chemical structure. This claim is supported by the specification at, e.g., pages 2, line 33 to page 5, line 4.

Claim 2 is drawn to the composition of claim 1 in which the TC and EEC are joined directly by a covalent bond and the carrier comprises a liquid. Support for this claim is as indicated for claim 1; in addition, support can be found at page 3, lines 21 and 22 and page 17, lines 9-11.

Claim 3 is drawn to the composition of claim 1 in which the TC and EEC are joined by a linker. Support for this claim is as indicated for claim 1; in addition, support can be found at page 3, lines 22-24.

Claim 4 is drawn to the composition of claim 1 wherein R1 and R2 are H and R3 is a linker. Support for this claim is as indicated for claim 1; in addition, support can be found at page 12, lines 22 and 23.

Claim 5 is drawn to the composition of claim 1 wherein the efficacy enhancing component is a memantine. Support for this claim is as indicated for claim 1; in addition, support can be found at page 12, lines 23 and 24.

Claim 6 is drawn to the composition of claim 1 wherein the linker is selected from a specifically indicated Markush group of linkers. Support for this claim is as indicated for claim 1; in addition, support can be found at page 4, lines 1-31.

Claim 8 is drawn to the composition of claim 1 wherein the therapeutic component is selected from the group consisting of quinoxaline, (2-imidozolin-2-ylamino) quinoxaline, 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, and mixtures thereof. Support for this claim is as indicated for claim 1; in addition, support can be found at page 9, line 31 to page 10, line 3.

Claim 9 is drawn to the composition of claim 1 wherein the efficacy-enhancing component comprises a memantine, and the conjugate further comprises a linker covalently joining the therapeutic component and the memantine in a specific masnner. Support for this claim is as indicated for claim 1; in addition, support can be found at page 12, lines 23 and 24 and page 3, lines 22-24.

Claim 11 is drawn to the composition of claim 8 wherein the efficacy-enhancing component comprises a memantine, and the conjugate further comprises a linker joining the therapeutic component and the memantine. Support for this claim is as indicated for claim 8; in addition, support can

be found at page 12, lines 23 and 24 and page 3, lines 22-24 and page 14, lines 32-34.

Claim 12 is drawn to the composition of claim 1 wherein the therapeutic component and the efficacy enhancing component disassociate under physiological conditions. Support for this claim is as indicated for claim 1; in addition, support can be found at page 14, lines 4-6.

Claim 14 is drawn to the composition of claim 1 wherein the conjugate has an aqueous solubility, a partition coefficient and/or an affinity for melanin that is greater relative to a compound comprising the same therapeutic component which is not joined to an efficacy enhancing component. Support for this claim is as indicated for claim 1; in addition, support can be found at page 11, lines 3-7 and Example 6.

Claim 15 is drawn to the composition of claim 1 wherein the conjugate is a salt. Support for this claim is as indicated for claim 1; in addition, support can be found at page 11, line 15-28.

Claim 16 is drawn to a topical ophthalmic composition comprising a carrier and a pharmaceutical conjugate, wherein the carrier comprises an ophthalmically useful therapeutic component (TC) covalently coupled via a linker to an efficacy enhancing component (EEC) effective in delivering the conjugate to a posterior portion of an eye of an individual when the composition is topically administered to the eye. The efficacy-enhancing component comprises a specifically recited generic chemical

structure, as is the linker. This claim is supported by the specification at, e.g., pages 2, line 33 to page 5, line 4.

Claim 24 is drawn to a topical ophthalmic composition comprising a carrier and a pharmaceutical conjugate, wherein the carrier comprises an ophthalmically useful therapeutic component (TC), comprising a ophthalmically useful quinoxoline component, covalently coupled via a linker to an efficacy enhancing component (EEC) effective in delivering the conjugate to a posterior portion of an eye of an individual when the composition is topically administered to the eye. The efficacy-enhancing component and linker each comprise specifically recited generic chemical structures. This claim is supported by the specification at, e.g., pages 2, line 33 to page 5, line 4 and page 9, line 31 to page 10, line 3.

Claim 25 is drawn to the composition of claim 24 wherein the therapeutic component is selected from the group consisting of quinoxaline, (2-imidozolin-2-ylamino) quinoxaline, 5-bromo-6-(2-imidozolin-2-ylamino) quinoxaline, and mixtures thereof. This claim is supported by the specification at, e.g., pages 2, line 33 to page 5, line 4 and page 9, line 31 to page 10, line 3.

Claim 26 is drawn to the composition of claim 25 wherein the therapeutic component comprises brimonidine tartrate. Support for this claim is as indicated for claim 25 and at page 17, line 32.